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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,397	04/02/2001	Bert Sullam	CYPR-CD00190	2945

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EXAMINER

DU, THUAN N

ART UNIT	PAPER NUMBER
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2116

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/826,397

Applicant(s)

SULLAM, BERT

Examiner

Thuan N. Du

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 April 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: IDS (dated 2/27/03).
2. Claims 1-20 are presented for examination.

### ***Specification***

3. The disclosure is objected to because of the following informalities: in the abstract, line 1, "too" should be -- to --. Appropriate correction is required.

### ***Drawings***

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "series of flip-flops" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

5. Claims 2-6 and 8-13 are objected to because of the following informalities: "the apparatus" recites in the claims should be -- the circuit --. Appropriate correction is required.

Art Unit: 2116

6. Claim 19 is objected to because of the following informalities: "the apparatus" recites in the claims should be -- the method --. Appropriate correction is required.

7. Claim 15 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 3. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korhonen et al. [Korhonen] (U.S. Patent No. 5,378,935).

10. Regarding claims 1, 7 and 14, Korhonen teaches an apparatus substantially as claimed comprising:

a clock generator generating a plurality of clock signals at a plurality of frequencies [the system must have clock generator to generate clocks clk1 to clk<sub>n</sub>; col. 6, lines 19-20];

a first switch (circuit 11) receiving the plurality of clock signals and selecting one of the clock signals as an output thereof to be the current clock according to a current speed select signal (signal output from circuit 13) [Fig. 3; col. 6, lines 21-35];

Art Unit: 2116

a current speed latch (circuit 13) storing the current speed select signal [col. 6, lines 25-31];

a second switch (circuit 14) receiving the plurality of clock signals and selecting one of the clock signals as an output thereof to be the new clock according to a new speed select signal (signal output from circuit 16) [Fig. 3; col. 6, lines 21-35];

a new speed register (circuit 16) storing the new speed select signal [col. 6, lines 25-31, 55-57];

wherein, the new speed select signal is produced by the processor and stored in the new speed register [col. 6, lines 52-57]; and

logic means (circuits 12, 15, 17), receiving the current clock, the new clock and a signal from the processor directing a speed change as inputs thereto (e2), the logic means for producing a signal latching the new speed into the current speed latch at a point in time after the speed change signal when the current clock and the new clock have the same state (zero state) [col. 6, line 52 to col. 7, line 8].

Korhonen does not explicitly teach the apparatus including first and second phase shifters. However, one of ordinary skill in the art would have recognized that the system would operate in the same manner if the phase shifters desired to include in the system. Moreover, official notice has taken that phase shifter is well known in the art which is used for delay a clock signal. Therefore, it would have been obvious to one of ordinary skill in the art to implement first and second phase shifters (one for each branch) into Korhonen system because it would increase the accuracy and the reliability of the system.

Art Unit: 2116

11. Regarding claims 2-6, 8-13 and 15, claims 2-6, 8-13 and 15 are directed to apparatuses implementing the circuit that allows the processor to change its operating frequency of claims 1 and 7. As stated above, Korhonen teaches the invention substantially as set forth in claims 1 and 7. At the time of the invention, one of ordinary skill in the art would have readily recognized that Korhonen may also teach the implementations of claims 1 and 7 as set forth in claims 2-6, 8-13 and 15. As such, claims 2-6, 8-13 and 15 are rejected under same rationale with respect to claims 1 and 7.

12. Regarding claims 16-20, since they recite method of operating of the apparatus defined in the apparatus claims, they are rejected accordingly based on the rejection of the apparatus claims.

### *Conclusion*

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (703) 308-6292. The examiner can normally be reached on Monday-Friday: 9:00 AM - 5:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (703) 308-1159.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

The fax number for the organization is (703) 872-9306.



Thuan N. Du  
April 15, 2004